

E-Filing

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ZELDA WEICHARDT, by her son and
next friend, ERIC WEICHARDT; IRENE
AUBIN by her daughter and next friend,
YVONNE A. MORIN; PLANNING FOR
ELDERS IN THE CENTRAL CITY;
ACTION ALLIANCE RESEARCH &
EDUCATION PROGRAM; FOOK T. LEE,
by his son and next friend, WILLIAM POY
LEE; and ANNE NISLEY CHESTER, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

MICHAEL O. LEAVITT, Secretary of
Health & Human Services

Defendant.

CIVIL ACTION NO. C 03-5490 VRW

**STIPULATION AND ORDER FOR
FILING OF THIRD AMENDED
COMPLAINT**

1 It is hereby stipulated, by and between the parties to the above-entitled action, through
2 their respective counsel, that the Third Amended Complaint for Declaratory, Injunctive, and
3 Mandamus Relief, which has been lodged with this Stipulation, shall be filed. The sole reason
4 for the filing of the Third Amended Complaint is to include Anne Nisley Chester as a plaintiff,
5 and, except for that inclusion, no further changes were made from the Second Amended
6 Complaint. Ms. Chester's desire to participate as a plaintiff at this time is due to her
7 hospitalization in June 2005.

8 It is further stipulated that plaintiff Chester shall be allowed to join in the plaintiffs'
9 motions for summary judgment and for class certification (with Ms. Chester seeking to be a class
10 representative) and in opposition to the defendant's motion for summary judgment.

11 Respectfully submitted,

12 Dated: July 8, 2005

/s/ Gill Deford

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18 Attorneys for Plaintiffs

19 Dated: July 8, 2005

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28
Stipulation and Order

/s/ Karen Stewart

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Attorneys for Defendant

ORDER

Pursuant to stipulation, and for good cause shown, it is ordered that the Third Amended Complaint for Declaratory, Injunctive, and Mandamus Relief shall be filed, and that new plaintiff Anne Nisley Chester shall join in plaintiffs' motions for summary judgment and for class certification (with her seeking to be a class representative) and in opposition to defendant's motion for summary judgment.

DATED: July , 2005



VAUGHN R. WALKER

Chief United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that, on this 8th day of July 2005, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Elizabeth Maldonado

Elizabeth Maldonado

Stipulation and Order